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5 Attorney for Plaintiff

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 JONI M. COSTELLO, individually,

9 Plaintiff,

10 vs.

11 DEMOCRACY PREP AGASSI CAMPUS, a
12 Nevada Non-Profit Corporation; ANDRE
13 AGASSI COLLEGE PREPARATORY
14 ACADEMY; DOES 1 through 100; and ROE
15 ENTITIES A through Z, inclusive;

16 Defendants.

Case No. 2:17-cv-2491-JAD-VCF

17 **STIPULATION FOR DISMISSAL**
18 **(WITHOUT PREJUDICE)**

ECF Nos. 14, 15, 17

19 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and the Court's Local Rule
20 7-1, the parties stipulate to dismissal of this civil action (without prejudice). Each party to bear
21 its own attorney's fees and costs. Additionally, the parties stipulate that Defendants' motion to
22 dismiss filed on January 5, 2018 (ECF #15) should be denied as moot. Finally, and in light of
23 the foregoing, the parties respectfully request that the Court vacate the Early Neutral Evaluation
24 session currently scheduled for March 7, 2018 (ECF #16).

25 With respect to the Court's Order issued on January 2, 2018 (ECF #14), undersigned
26 counsel for the Plaintiff wishes to personally apologize to the Court (as he has already done to
27 opposing counsel) for the unnecessary confusion engendered in this case because of procedural
28 mistakes by his associate in seeking consolidation. Undersigned counsel accepts full

responsibility for what occurred and wishes to advise the Court that it will not happen again.

The parties respectfully request that the Court approve this stipulation by ordering the relief requested herein.

Respectfully submitted,

/s/ Lisa A. McClane

/s/ Paul S. Padda

Lisa A. McClane, Esq.
JACKSON LEWIS, P.C.

Paul S. Padda, Esq.
PAUL PADDA LAW, PLLC

Counsel for Defendants
Democracy Prep Agassi Campus
and Andre Agassi College Preparatory
Academy

Counsel for Plaintiff Joni Costello

Dated: January 11, 2018

Dated: January 11, 2018

IT IS SO ORDERED:

The Court having reviewed the foregoing stipulation between the parties it is hereby ordered that:

- 1. This matter is dismissed without prejudice, each party to bear its own fees and costs;**
- 2. The motion to dismiss filed by Defendants on January 5, 2018 (ECF #15) is denied as moot;**
- 3. The Early Neutral Evaluation session scheduled for March 7, 2018 (ECF #16) is vacated.**
- 4. The Order to Show Cause [#14] is deemed discharged.**



U.S. District Judge Jennifer Dorsey
January 12, 2018